



Title: **Law and Policy Update**

Session: **T-2-1330**



Objectives

- Understand the hierarchy of laws, regulations, and policies
- Identify the policies that directly affect how you do your job



Laws, Regulations & Policies

- Laws (a.k.a. Statutes)
 - Passed by Congress
 - United States Code, Title 10, Chapter 55
- Regulations
 - Developed by Executive Branch departments in 3 stages
 - Proposed Rules
 - Notice and Comment Period
 - Final Rules
 - Code of Federal Regulations, Title 32, Parts 199 & 220
- Policies
 - Developed by agencies/organizations to interpret and implement laws and regulations into day-to-day activities
 - DoD Policies
 - HA/TMA Policies
 - Service-specific Policies



Laws

H.R. 6523, Ike Skelton National Defense Authorization Act for Fiscal Year 2011

New Provisions:

- Extension of prohibition on increases in certain health care costs
- Extension of dependent coverage under the TRICARE program up to age 26
- Survivor dental benefits
- Aural screenings for members of the armed forces
- Temporary prohibition on increase in retail pharmacy copayments
- Post deployment health reassessments for purposes of the medical tracking system for members of the armed forces deployed overseas



HA Policies

HA Policy 06-010 HIPAA Security Compliance

(27 June 2006)

- Implements DHHS security standards
- HIPAA security charges organizations to protect e-PHI against any reasonably anticipated threats or hazards to the security and integrity of the information
- Protect against any reasonably anticipated uses or disclosures that are not permitted under HIPAA
- Retain compliance documentation for six years



HA Policies

DHP Accounts Receivable Policy

(2 May 2008)

- Purpose: To establish policy for the recognition, collection, and reporting of accounts receivable
- Goal: Improve the accuracy of financial statements and prepare DHP-funded activities for audit readiness
- Receivables shall be recognized and recorded when a claim based on goods or services is established



HA Policies

Provision of Medical Care Provided to DoD Civilian Employees Injured or Wounded While Forward Deployed in Support of Hostilities

(24 September 07)

- DoD Civilians who become ill, injured, or wounded while forward deployed are eligible for medical evacuation, treatment, and services in MTFs at the same level and scope provided to military personnel
 - Eligibility continues in private sector facilities for compensable injuries
 - Care provided to patients at no cost



HA Policies

HA Policy 08-007 **Billing and Collections for TPCP, MSA, MAC in** **MTFs**

(13 June 2008)

- Billing and collection activities may be performed by MTF personnel, other Government personnel, contract personnel, or any combination of personnel
- MTFs are not restricted to using TPOCS or the MSA module in the Composite Health Care System
- Services must provide management data to TMA UBO on request
- The Services should implement best business practices to manage their collections programs and to meet TMA UBO reporting requirements



HA Policies

HA Policy 08-002

Billing for Care Furnished by Military Treatment Facilities to Federal Employees for On-the-Job Injuries and for Occupational Health

(8 April 2008)

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- Bill NAF at IAR for Occupational Health and OTJ injury
 - Do not bill DoD when furnishing Occupational Health or care for OTJ to appropriated-fund DoD employees
 - Bill all other federal agencies at IAR for Worker's Comp
 - Bill employees for all other care unless they are a DoD beneficiary



HA Policies

HA Policy 07-026

Billing Non-Department of Defense Beneficiary Newborns

(26 October 2007)

- DoD has a legal obligation to recover reasonable costs of health care services to non-DoD beneficiaries
- MTFs are to bill for newborns of family member daughters and for certain former Service members
 - Bill for services from time of birth to time of discharge
 - Use full reimbursement rate



HA Policies

HA Policy 05-020

Cosmetic Surgery Procedures in the MHS

(25 October 2005)

- Only privileged staff/residents in plastic surgery, otorhinolaryngology, ophthalmology, dermatology, oral-maxillofacial surgery may perform cosmetic surgery
- Cosmetic surgery performed “space available”
 - May not exceed 20% of the physician’s case load
- Only for TRICARE-eligible beneficiaries
 - Active duty must have written permission from unit commander
- All patients must pay
 - Complications are not a covered benefit



HA Policies

Permanent Prohibition Against Requiring Certain Injured Members to Pay for Meals Provided by Military Treatment Facilities

(FY NDAA 09 – 4 Feb 2009)

- MTFs must furnish meals at no cost to military members receiving inpatient or outpatient services for an injury, illness, or disease caused while in combat
- Includes medical recuperation or therapy or other continuous care



HA Policies

HA Policy 04-028

Termination of Subsistence Surcharge for Uniformed Services Personnel in MTFs

- Do not collect daily subsistence surcharge from Active Duty or retired members hospitalized for medical care



HA Policies

Compliance Plan Implementation Policy

(28 February 2002)

- “The adoption and implementation of compliance programs significantly advances the prevention of fraud, while furthering the mission of providing quality care to patients”
- MTFs and other DoD-designated billing activities must establish and comply with compliance guidelines
 - Establish a compliance plan focused on coding and billing ethical conduct
 - Perform a compliance audit at least quarterly



DoD Issuances

- **DoD Directives (DoDDs)**

- Exclusively establish policy, assign responsibility, and delegate authority to the DoD Components
- DoDDs do not contain procedures

- **DoD Instructions (DoDIs)**

- Policy DoDIs: Establish policy and assign responsibilities within a functional area when the requirements for a DoDD are not met
- Non Policy DoDIs: *Implement* policy established in a DoDD or a policy DoDI by providing general, overarching procedures for carrying out that policy

- **DoD Manuals (DoDMs)**

- A DoD issuance providing detailed procedures for implementing policy established in DoDDs and *policy* DoDIs



DoD Issuances

DoDI 6015.23

Delivery of Healthcare at Military Treatment Facilities: Foreign Service Care; Third-party Collection; Beneficiary Counseling and Assistance Coordinators (BCACs)

(30 October 2002)

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- Assigns responsibilities and prescribes procedures for
 - Healthcare delivery at MTFs
 - International military reciprocal healthcare agreements
 - Beneficiary Counseling and Assistance Coordinator responsibilities
 - Authorizes
 - Classification, nomenclature, and definitions relating to fixed and non-fixed MTFs (DoD 6015.1-M)
 - Military Treatment Facility Uniform Business Office (UBO) (DoD 6010.15-M)



DoD Issuances

DoDD 6010.04 **Healthcare for Uniformed Services Members** **and Beneficiaries** (15 January 2010)

- The Uniformed Services shall operate medical and dental treatment facilities in accordance with applicable law, regulation, and policy
- The CHAMPUS/TRICARE health care entitlement shall be provided consistent with current law
- Health care beneficiaries shall be provided access to military treatment facilities



DoD Issuances

Directives & Regulations

- DoD 7000.14-R DoD Financial Management Regulation
- DoDD 5400.11 DoD Privacy Program
- DoD 6025.18-R DoD Health Information Privacy Regulation
- DoD 8580.02-R DoD Health Information Security Regulation
- DoDD 6025.13 Medical Quality Assurance (MQA) in the Military Health System (MHS)
- DoD 6025.13-R Military Health System Clinical Quality Assurance Program Regulation
- DoDD 6040.41 Medical Records Retention and Coding at Military Treatment Facilities



DoD Issuances

Manuals

- DoD 6010.15-MUBO Manual
- DoD 6010.13-MMEPRS Manual
- DoD 6015.1-M Glossary of Healthcare Terminology



Summary

- Hierarchy of rules: Laws (statutes), Federal Regulations, Agency/Organizational Policies
- Policies that directly affect how you do your job
 - UBO Policies are available on the UBO Web site at:
http://www.tricare.mil/ocfo/mcfs/ubo/policy_guidance/letters.cfm
 - UBO Manual available on the UBO Web site at:
http://www.tricare.mil/ocfo/mcfs/ubo/policy_guidance/manuals.cfm
 - DoD Directives, Instructions, and Manuals are available on the DoD Issuances Web site at:
<http://www.dtic.mil/whs/directives/>



Quiz

- **TRUE OR FALSE:**

1. Congress passes HA Policies
2. DHSS HIPAA laws apply to the DoD
3. HIPAA allows beneficiaries to “opt out” of completing a DD 2569 to declare OHI
4. Elective cosmetic surgery is a free covered benefit for all TRICARE beneficiaries
5. Newborns of dependent daughters are DoD beneficiaries



Q&A

Questions or Comments?

